



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

Regulatory Division
South Permits Branch/West Permits Section
Fort Myers Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2004-2917(IP-JWS) OCT 28 2004

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to **Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:**

APPLICANT: Shelter Enterprises 1, Inc.
1750 North Florida Mango Road, Suite 402
West Palm Beach, Florida 33409

WATERWAY & LOCATION: Freshwater-forested wetlands contiguous with Hendry Creek, within the Estero Bay watershed. The site is located north of Hendry Creek, south of "The Forest Country Cub", east of the Estero Bay Buffer Preserve and west of U.S. 41 (Tamiami Trail), Section 12, Township 46 South, Range 24 East, Fort Myers, Lee County, Florida.

DIRECTIONS TO SITE: Take U.S. 41 (Tamiami Trail) south to Island Park Drive. Turn west onto Island Park Drive and follow the road south for 0.8 miles to a future access road, directly north of the existing FP&L easement. The project will be located approximately ½-miles west of Island Park Drive.

LATITUDE & LONGITUDE: Latitude: 26° 29' 31" North
Longitude: 81° 51' 52" West

PROJECT PURPOSE:

Basic: To construct a residential development.

Overall: To construct a residential development to serve the Lee County area.

PROPOSED WORK: The applicant proposes to construct a residential development consisting of 224 single-family residential units. The property is 80.41 acres in size with 16.23 acres of wetlands and 64.18 acres of uplands. The 16.23 acres of wetlands consist of hydric melaleuca (12.47 acres), cypress (2.03 acres), and mixed-forested (1.73 acres). The 64.18 acres of uplands consist of pine/palmetto (46.36 acres), palmetto (17.70 acres), and berm (0.12 acres).

The applicant proposes to discharge 11,269 cubic yards of fill material into 8.73 acres of wetlands that consist of hydric melaleuca (8.29 acres) and mixed-forested (0.44 acres).

If it is determined that issuance of a permit is appropriate and compensatory mitigation is required to offset the impacts of the proposed project, the applicant has proposed to preserve/enhance 7.50 acres of onsite wetlands that consist of hydric melaleuca (4.18 acres), cypress (2.03 acres), and mixed-forested (1.29 acres). Also, 1.38 acres of onsite uplands that consist of pine/palmetto (0.74 acres), palmetto (0.55 acres), and berm (0.09 acres) will be preserved/enhanced. Enhancement activities will include the eradication of nuisance and exotic vegetative species. The 8.88 acres of onsite mitigation will be placed under a conservation easement granted to the SFWMD. In addition, the applicant has proposed to purchase freshwater-forested credits from a mitigation bank at the appropriate time. Details of the compensation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

ENDANGERED SPECIES: The project site is within a "Core Foraging Area" (CFA) for the Wood Stork (*Mycteria americana*); however, based on the abundance of melaleuca, only limited areas on the project site could be utilized by wood storks for foraging. Removal of exotic vegetation within the remaining 8.88 acres of onsite wetlands should help increase the overall foraging habitat that is not currently available to the wood stork onsite. Also, additional mitigation will be required to take place within the project vicinity and replace wetland function of like-type habitat. Based on this information, the Corps has determined that the project "may affect, but is not likely to adversely affect" the Wood Stork.

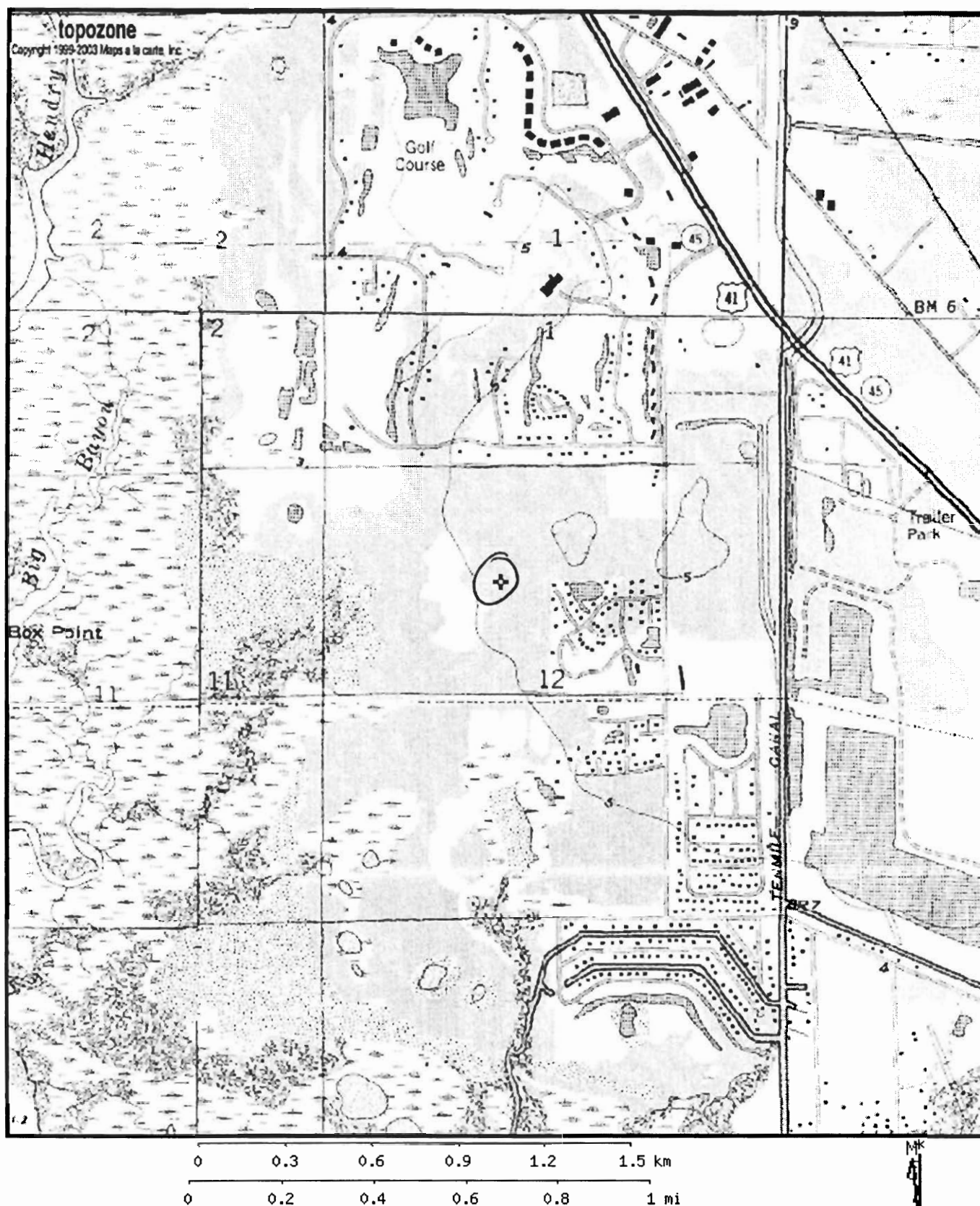
The project site contains potential habitat for the Eastern Indigo Snake (*Drymarchon corais couperi*). There were 60 active/inactive gopher tortoise burrows located onsite. The applicant will be required to implement the FWS "standard Eastern Indigo Snake construction management plan". Therefore, the Corps of Engineers has made a determination that the project "may affect, but is not likely to adversely affect" the Eastern Indigo Snake.

The Corps is unaware of any other threatened or endangered species concerns in the project area. These determinations will be coordinated with the FWS via separate letter.

NOTE: This public notice has been developed and issued based on information furnished by the applicant and has not been verified. The Corps has verified the wetland jurisdictional boundary.

AUTHORIZATION FROM OTHER AGENCIES: The South Florida Water Management District (SFWMD) is currently processing an application for this project under application number: 040224-22.

Comments and/or recommendations concerning the application should be submitted in writing to the District Engineer, in care of Mr. Jason Steele, at the Fort Myers Regulatory Office, 1520 Royal Palm Square Blvd., Suite 310, Fort Myers, Florida 33919, by phone at 239-334-1975, Ext. 33, or via electronic mail at Jason.W.Steele@saj02.usace.army.mil within 30 days from the date of this notice.



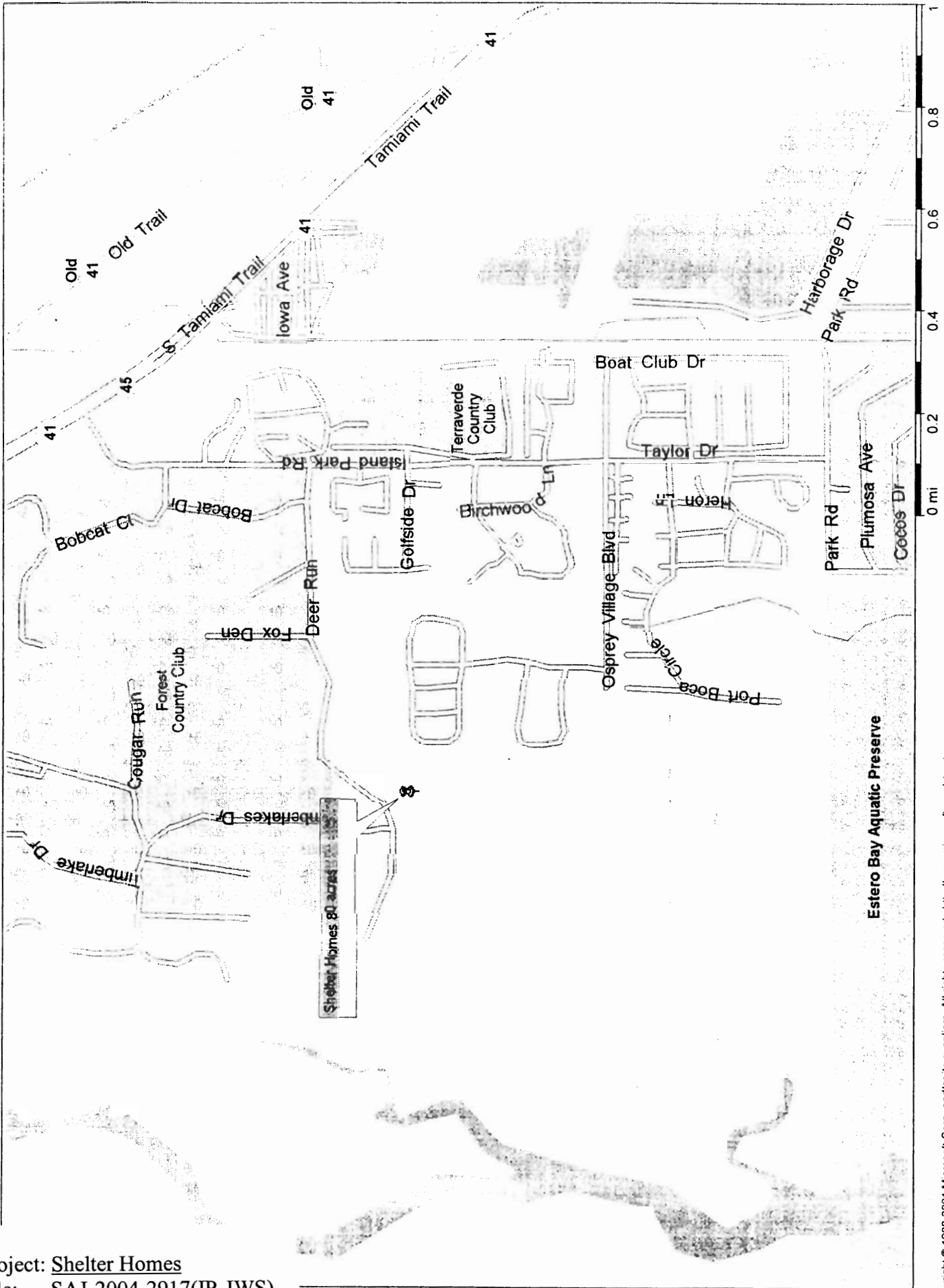
Project: Shelter Homes

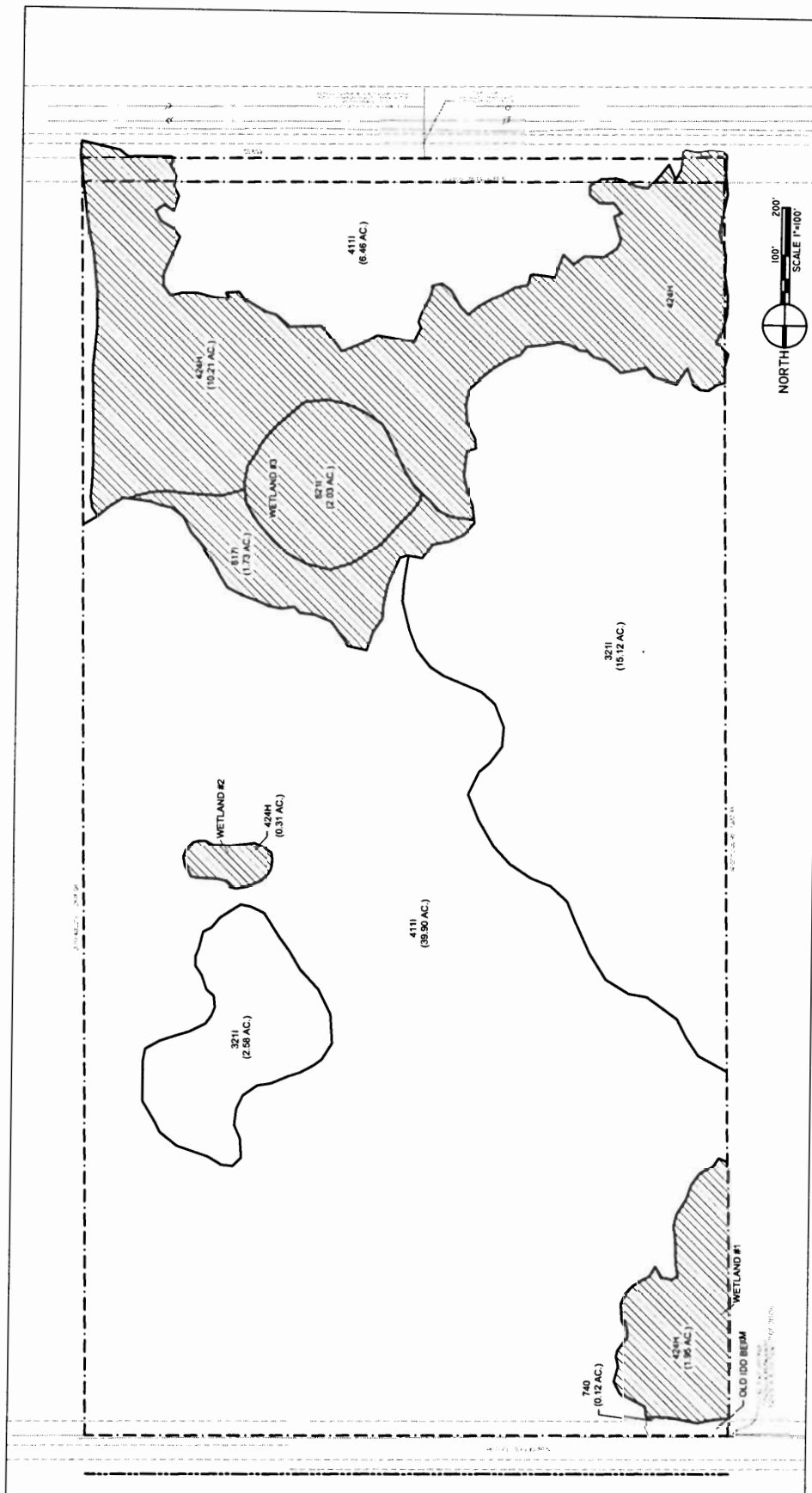
File: SAJ-2004-2917(IP-JWS)

Page: 1 of 6

/?z=17&n=2930455.34930574&e=413849.936511638&... 9/20/2004

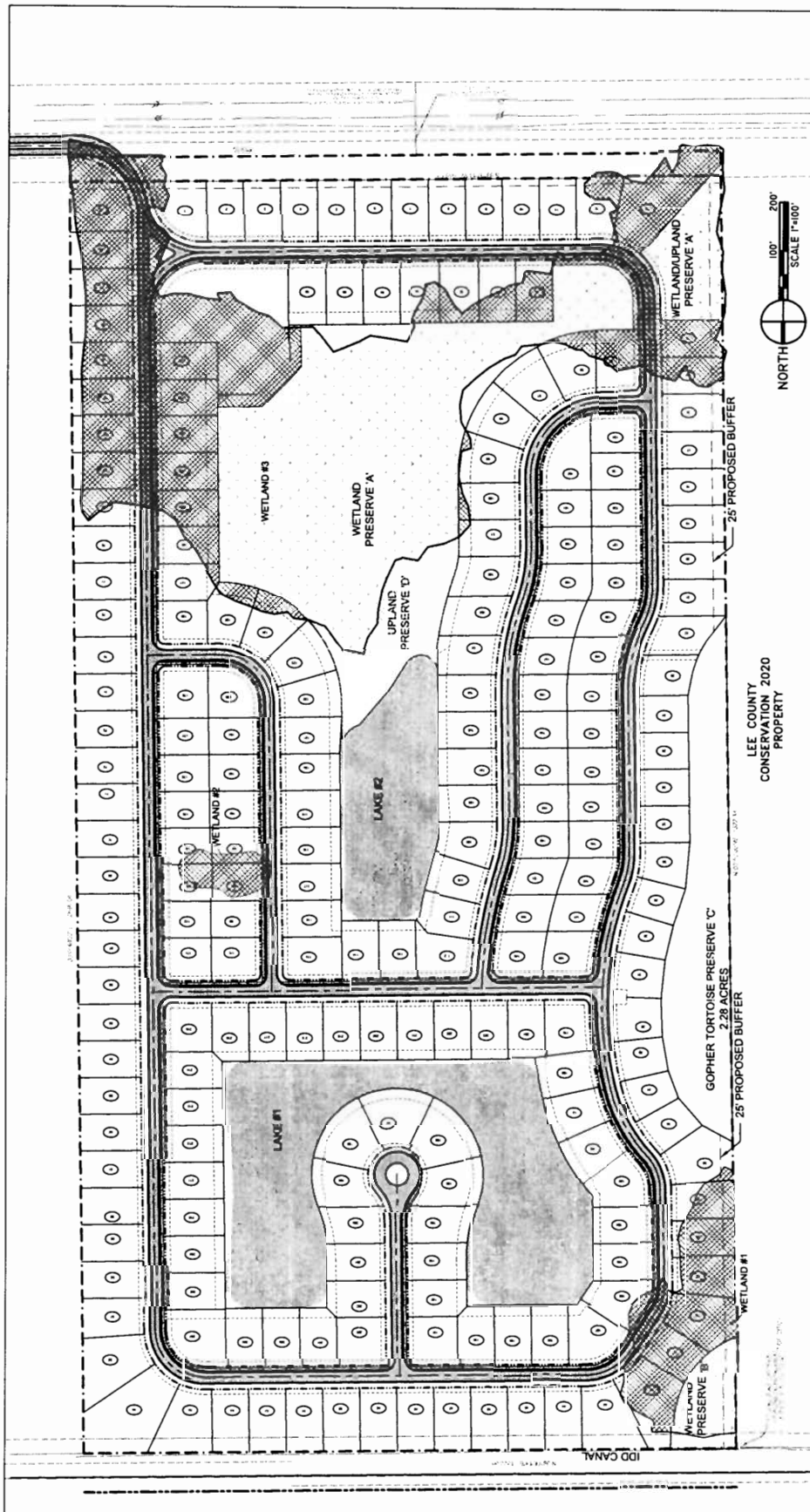
Fort Myers area, Florida, United States





JULY 2004

TORTUGA: FLUCCS MAP



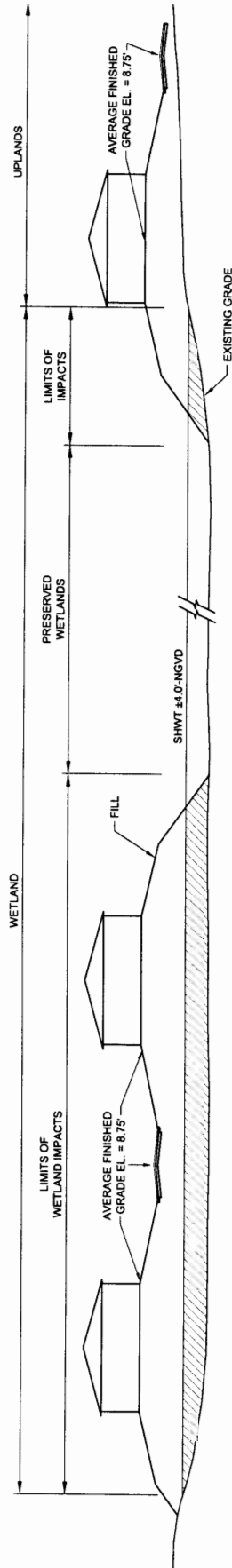
BAGLEY ENVIRONMENTAL & PLANTING SERVICES
4850 CEDAR HAMMOCK COURT
FORT MYERS, FLORIDA 33905
PH: 239-693-3919 FAX: 239-694-5405

TORTUGA
PROPOSED 480 ACRE DEVELOPMENT
LEE COUNTY, FLORIDA
STRAPH# 12-46-24-000002.0000 & 12-46-24-000002.0010
JULY 2004

WETLAND #3	WETLAND IMPACT - FULL (83.0 AC)
WETLAND #2	WETLAND - PRESERVE (7.28 AC)
WETLAND #1	WETLAND - PRESERVE (1.29 AC)
GOPIER TORTOISE PRESERVE	WETLAND - PRESERVE (2.28 AC)

WETLAND #1	WETLAND IMPACT - FULL (1.48 AC)
WETLAND #2	WETLAND - PRESERVE (0.48 AC)
WETLAND #3	WETLAND - PRESERVE (0.28 AC)
WETLAND #4	WETLAND IMPACT - FULL (0.21 AC)

TORTUGA: WETLAND IMPACT MAP



TYPICAL WETLAND FILL SECTION

NTS

WETLAND	AREA OF IMPACT	SHWT ELEV.	AVG. FNSTD GRADE	AVG. EXST GRADE	FILL BELOW SHWT	FILL ABOVE SHWT	TOTAL FILL
#1	1.49 AC	4.0'	8.8'	3.2'	1,925 CY	11,540 CY	13,465 CY
#2	0.31 AC	4.0'	8.8'	3.2'	400 CY	2,400 CY	2,800 CY
#3	6.93 AC	4.0'	8.8'	3.2'	8,944 CY	53,666 CY	62,610 CY
					11,269 CY	67,606 CY	78,875 CY

TORTUGA
 PROPOSED +80 ACRE DEVELOPMENT
 LEE COUNTY, FLORIDA
 STRAP# 12-46-24-0000002.0000 & 12-46-24-0000002.0010
 JULY 2004

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.


John R. Hall
Chief, Regulatory Division